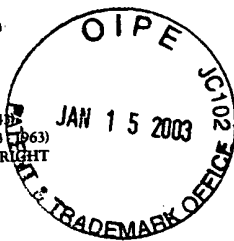


C.A. MASON (1866-1948)  
JOHN M. MASON (1893-1963)  
PENROSE LUCAS ALBRIGHT  
JEFFREY H. GREGER

PATENT AGENT:  
ERIC S. ALBRIGHT

OF COUNSEL  
WILLIAM B. MASON



MASON, MASON & ALBRIGHT  
ATTORNEYS AT LAW  
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ARLINGTON, VIRGINIA 22202  
(703) 979-3242  
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0360 #  
INTELLECTUAL PROPERTY LAW  
PATENT, TRADEMARK, COPYRIGHT  
ASSOCIATED TECHNICAL MATTERS

January 15, 2003

To the Commissioner of  
Patents and Trademarks  
Washington, D.C. 20231

Re: Patent Application Serial No. 09/987,772  
Title: CONNECTION APPARATUS  
Inventor: Bruce Archibald Short  
Our Ref: 4059/19

Dear Sir:

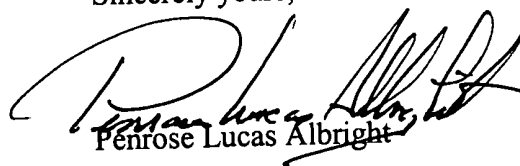
Attached herewith please find a Petition filed under 37 CFR §1.47 in connection with the above referenced Patent Application.

This Petition is in response to the Notice to File Missing Parts of Non-Provisional Application mailed on August 15, 2002, a copy of which is attached. It is being filed within three months of the two-month time period as set forth in the Notice to File Missing Parts, and, accordingly, a Request for an Extension of Time of three months is submitted herewith. A check in the amount of \$700.00 is attached herewith for payment of the following fees: \$65.00 late oath or declaration surcharge; \$130.00 Petition to the Commissioner fee; \$465.00 three-month extension fee; and \$40.00 for an Assignment Recordation Fee.

If the above is in error or if additional fees are required, the Commissioner is authorized to credit or debit our Deposit Account No. 13-2000 as appropriate.

If there are any questions or comments concerning this matter, please direct them to the undersigned.

Sincerely yours,

  
Penrose Lucas Albright

PLA:wp

# 3



4059/19

Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

GROUP ART UNIT: 3629

Bruce Archibald Short

Patent Application Serial No. 09/987,772

Filed: November 15, 2001

Application for: CONNECTION APPARATUS

RECEIVED

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OFFICE OF PETITIONS

PETITION TO FILE UNDER 37 CFR 1.47  
FILING WHEN AN INVENTOR REFUSES TO SIGN

01/16/2003 SSESHE1 00000091 09987772

02 FC:1460

To the Honorable Commissioner  
of Patents and Trademarks  
Washington, DC 20231

Sir:

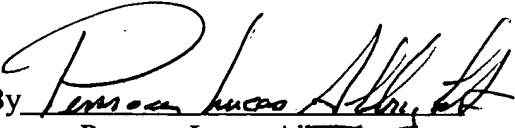
Pursuant to 37 CFR 1.47(b) Simon Robert Ward, Director of A. Ward Attachments, Ltd., petitions the Commissioner of the United States Patent and Trademark Office to enter the Declaration or Power of Attorney submitted herewith which will allow the undersigned to represent the inventor for a patent of the Connection Apparatus, Patent Application 09/987,772, filed on behalf of Bruce Archibald Short. The facts set forth in the attached statutory declaration are to the effect that on September 20, 2001, Mr. Ward, in his capacity as director of A. Ward Attachments, Ltd., the assignee of the instant application, presented a Declaration and Power of Attorney to Mr. Short, the inventor, for signature and Mr. Short refused to sign the documents (see paragraphs numbered 12-14). The refusal of Mr. Short to sign as the inventor has caused A. Ward Attachments, Ltd. to seek this action.

This action is necessary to preserve the rights of A. Ward Attachments, Ltd. It is submitted that A. Ward Attachments, Ltd. acquired all the rights to the Connection Apparatus through its written agreement with Mr. Short. The agreement stipulated that in the event Mr. Short defaulted or breached the agreement with A. Ward Attachments, Ltd., all right to the Connection Apparatus would be assigned to A. Ward Attachments, Ltd. Mr. Short breached the agreement. Therefore, A. Ward Attachments, Ltd., requests status as agent and signer on behalf of the recalcitrant inventor in accordance with 37 CFR 1.47.

Because this application is a continuation application and notice regarding the filing of the prior application was given to the assigning inventor, the U.S. Patent and Trademark Office may dispense with the formal notice provisions in accordance with 37 CFR 1.47(c). However, please note that the address of the inventor, Bruce Archibald Short, as set forth in the Declaration and Power of Attorney submitted herewith, is: 18 Dampier Street, Avondale, Auckland, New Zealand.

Any questions can be directed to the undersigned.

Respectfully submitted,  
MASON, MASON & ALBRIGHT

By   
Penrose Lucas Albright  
Registration No. 19,083

2306 South Eads Street  
P.O. Box 2246  
Arlington, VA 22202  
Tel: (703) 979-3242  
Filed: January 15, 2003  
Attached: Declarations and Power of Attorney

RECEIVED  
FEB 07 2003  
OFFICE OF PETITIONS



IN THE MATTER OF US Patent  
Application No. 09/987,772 in the name  
of BRUCE ARCHIBALD SHORT.

**STATUTORY DECLARATION**

I, Simon Robert Ward, a New Zealand citizen of 16 Kenny Road, Remuera, Auckland, New Zealand, do solemnly and sincerely declare:

1.        I am a Director of A Ward Attachments, a New Zealand company of 25 Roscommon Road, Wiri, Auckland, New Zealand (herein "my Company").
2.        On 29 September 2000 my Company entered into a joint venture agreement ("the Agreement") with B.A. Short Limited (herein "Short"). The Agreement was entered into by both parties to commercialise and protect the intellectual property associated with a Quickhitch Connector. A copy of the Agreement is annexed as exhibit SW-1.
3.        Clause 2.1(b) of the Agreement specified that Bruce Archibald Short should be listed as the applicant for all patent applications filed for the Quickhitch Connector. Under the terms of the Agreement, my Company was given the right to grant licenses for the sale, marketing, distribution or manufacture of the Quickhitch

Connector (as detailed in clause 3.1(a) (i) of the Agreement) and the responsibility of paying the costs associated with obtaining patent protection for the Quickhitch Connector (as per clause 2.2 of the Agreement).

4. On 15<sup>th</sup> May 2000 my Company and Short instigated the filing of a Patent Co-operation Treaty Application, No. PCT/NZ00/00073 for the Quickhitch Connector. Bruce Archibald Short was listed as the patent applicant for this PCT application.

5. In November 2001 I was advised by my patent attorney that I needed to file a number of national phase patent applications sourced from this PCT application to ultimately obtain patent rights for this invention. My patent attorney advised me that I had the option of filing national phase patent applications throughout the world sourced from this PCT application, provided such applications were made by 15 November 2001.

6. At this time I instructed my patent attorney to file national phase patent applications for the Quickhitch Connector in Australia and the United States of America.

7. Also at this time I discussed these national phase patent applications with Short. I advised Short of my intention to file national phase patent applications in Australia and the United States of America.

8. Short subsequently breached the terms of the Agreement and, on 21 May 2002 my Company issued notice of those breaches and terminated the Agreement.

9. Clause 6.5(b) of the Agreement contains provisions regarding my Company's rights upon termination. It specifically allows my

Company to act as Short's attorney and to assign the intellectual property rights involved to my Company.

10. I then executed the assignment of invention agreement prepared by my patent attorney to transfer the intellectual property rights associated with the Quickhitch Connector to my Company. A copy of this executed assignment is enclosed as exhibit SW-2.

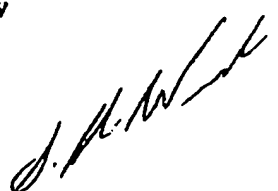
11. On 15 November 2001 a national phase application sourced from Patent Co-operation Treaty Application, No. PCT/NZ00/00073 was made into the United States of America, this application received an application number 09/987,772.

12. On 20 September 2002 I met with Short and requested that, as inventor, he sign A Declaration and Power of Attorney form necessary to complete formalities on the US patent application.

13. At this meeting Short indicated to me that he had would not sign the Declaration and Power of Attorney document. Short stated that as he had no ownership of the patent application due to his prior breach he saw no benefit to himself or his company by signing.

14. I told Short that although he had refused to sign the Declaration and Power of Attorney form I would be proceeding with this US national phase filing and would sign a Declaration stating Short's refusal to sign the Declaration and Power of Attorney form.

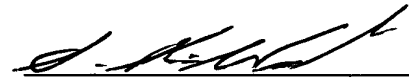
15. The events in paragraphs 12-14 took place at the business address of A-Ward Attachments, Ltd., located at 25 Roscommon Rd., Wiri, Auckland, New Zealand.



AND I MAKE this solemn declaration conscientiously believing the same to be true and by virtue of the Oaths and Declarations Act 1957.

Declared at Auckland, New Zealand

by SIMON ROBERT WARD

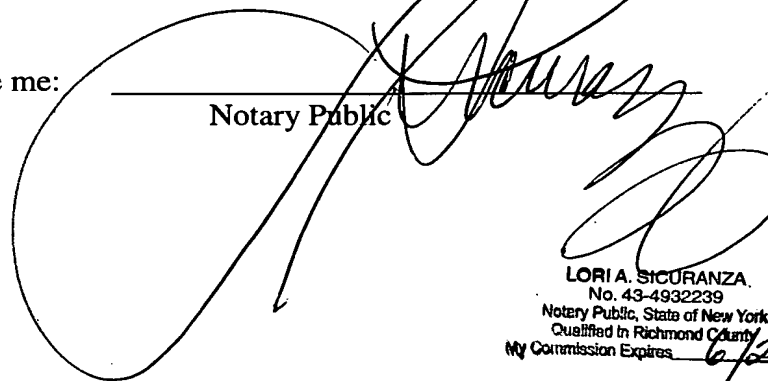


Simon Robert Ward

this ~~02~~ day of ~~December~~ 2002

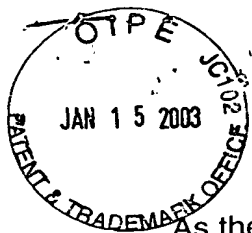
NYS, NY, USA 12/2/02

Before me:



Notary Public

LORI A. SICURANZA  
No. 43-4932239  
Notary Public, State of New York  
Qualified in Richmond County  
NY Commission Expires 6/20/04



4

## DECLARATION AND POWER OF ATTORNEY (SOLE)

As the below named inventor, I hereby declare that:

My residences, post office addresses, and citizenship, are as stated on the following pages of this document next to my name; and

I believe I am the original, first, and sole Inventor of the subject matter which is claimed, and for which a patent is sought under and in accordance with applicable statutes of the United States of America (Title 35, United States Code) on the invention entitled:

\_\_\_\_\_CONNECTION APPARATUS\_\_\_\_\_

the specification of which:

[ ] is attached hereto.

[ x ] was filed November 15, 2001, Application Serial No. 09/987,772 and was amended  
\_\_\_\_\_ [if applicable].

I further declare that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this Application, as required by statutes of the United States of America and implementing rules (37 CFR §1/56(a)).

I hereby claim foreign priority benefits under 35 U.S.C. §119 and/or §365 of any foreign application or applications for patent or Inventor's certificate listed below. Also, unless otherwise set forth below, there is no foreign application for patent or Inventor's certificate having a filing date before that of the application on which priority is claimed.

### PRIOR FOREIGN & INTERNATIONAL APPLICATION(S)

### PRIORITY CLAIMED

<u>Number</u>	<u>Country</u>	<u>Date Filed</u>	<u>Yes</u>	<u>No</u>
332871	New Zealand	May 15, 1999	X	



I hereby claim the benefit under 35 U.S.C. §120 of any United States application or applications listed below. Insofar as the subject matter of each claim of this application or applications in the manner provided by the first paragraph of 35 U.S.C. §112, I acknowledge the duty to disclose material information as required by statute and implementing rules (37 CFR §1.56(a)) which occurred between the effective filing date of the prior application and the effective national or PCT international filing date of this application.

Serial No.Date FiledStatus

PCT/NZ00/00073

May 15, 2000

Pending when this Application was filed

I hereby appoint as my attorneys, with full powers of substitution and revocation, to prosecute this Application and transact all business in the United States Patent and Trademark Office connected herewith:


Penrose Lucas Albright, Reg. No. 19,082; William B. Mason, Reg. No. 18,120; and Eric S. Albright, Reg. No. 39,087 (Patent Agent); 2306 South Eads Street, P.O. Box 2246, Arlington, Virginia 22202.

Correspondence and telephone communications should be directed to Penrose Lucas Albright, Esq., MASON, MASON & ALBRIGHT, 2306 South Eads Street, P.O. Box 2246, Arlington, Virginia 22202-0246, Telephone: (703) 979-3242 (local).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful false statements may jeopardize the validity of the Application or any patent issuing thereon.

Bruce Archibald Short

Inventor's Full Name (Print or Type)18 Dampier Street, Avondale AucklandPost Office Address (for Mail)Residence Address (if different than above)NEW ZEALANDCountry of Citizenship

  
Agent's Signature (Simon Robert Ward, Director  
Of A. Ward Attachments Limited on behalf of and as  
Agent for Inventor pursuant to 37 CFR §1.47)

25 Rosecommon Road, Wiri, AucklandCity/County, State/ProvinceCity/County, State/Province

13 JANUARY 2003  
Date Signed



## UNITED STATES PATENT AND TRADEMARK OFFICE

COPY

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/987,772	11/15/2001	Bruce Archibald Short	4059/19

MASON, MASON & ALBRIGHT  
2306 South Eads Street  
P.O. Box 2246  
Arlington, VA 22202



CONFIRMATION NO. 7879

## FORMALITIES LETTER



\*OC000000008636194\*

Date Mailed: 08/15/2002

due 10/15/02

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

Items Required To Avoid Processing Delays:

The item(s) indicated below are also required and should be submitted with any reply to this notice to avoid further processing delays.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is \$65 for a Small Entity

- \$65 Late oath or declaration Surcharge.

*A copy of this notice **MUST** be returned with the reply.*

*N. Hussain*

**COPY**

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY